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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/688,473	10/17/2003	David Michael Lazoff	AVA04-07	2191

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CHAPIN & HUANG L.L.C.  
WESTBOROUGH OFFICE PARK  
1700 WEST PARK DRIVE  
WESTBOROUGH, MA 01581

EXAMINER
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DOAN, KIET M

ART UNIT	PAPER NUMBER
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2683

DATE MAILED: 07/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/688,473	LAZOFF, DAVID MICHAEL	
	<b>Examiner</b>	<b>Art Unit</b>	
	Kiet Doan	2683	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 17 October 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>10/27/03</u> . | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

1. **Claims 1, 6 and 9** are rejected under 35 U.S.C. 102(e) as being anticipated by Perreault et al. (Patent No. 5,596,577).

**Consider claim 1**, Perreault teaches a method comprising: (a) receiving a polling request via a shared communications channel, wherein said polling request specifies a destination for a subsequent transmission via said shared communications channel (C2, L39-67, teach secondary station receiving poll with share transmission means as share communications channel); and (b) determining whether to add the sender of said polling request to a polling schedule based on said destination (C4, L20-67, teach poling controller determining to poll next secondary station means as to add sender).

**Consider claim 6**, Perreault teaches a method comprising: (a) receiving a polling request via a shared communications channel, wherein said polling request specifies a destination for a subsequent transmission via said shared communications channel (C2, L39-67, teach secondary station receiving poll with share transmission means as share

communications channel); and (b) determining a position in a polling schedule for the sender of said polling request based on said destination (C3, L20-35, C4, L7-19).

Consider **claim 9**, Perreault teaches a method comprising: (a) receiving a polling request via a shared communications channel, wherein said polling request specifies a destination for a subsequent transmission via said shared communications channel (C2, L39-67); and (b) determining a transmission opportunity duration in a polling schedule for the sender of said polling request based on said destination (C2, L50-67).

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 2-12, 14-18 and 20** rejected under 35 U.S.C. 103(a) as being unpatentable over Perreault et al. (Patent No. 5,596,577) in view of Ito Koji (Pub. No. 09-331404).

Consider **claims 2, 7, 10, 14, 17 and 20**, Perreault teaches the limitation of claim as discuss above **but fail to teach** the method of claim 1 wherein (b) is based on whether said destination is associated with an emergency call center.

In an analogous art, Ito Koji teaches "Emergency medical information terminal equipment". Further, Ito Koji teaches the method of claim 1 wherein (b) is based on

whether said destination is associated with an emergency call center (Abstract, Page 1, Paragraphs [0006-0007], teach emergency medical service information center which means as destination).

Therefore, it would have been obvious at the time that the invention was made that person having ordinary skill in the art to modify Perreault and Ito Koji system, such that destination is associated with an emergency call center, to provide means for multi users can call emergency service.

Consider **claims 3, 8 and 11**, Perreault teaches the method of claim 1 wherein (b) is also based on a destination specified by a prior polling request, wherein the sender of said prior polling request is in said polling schedule (C3, L24-45, teach polling list database which means as polling schedule).

Consider **claim 4**, Perreault teaches the method of claim 1 further comprising (c) determining whether to delete the sender of a prior polling request from said polling schedule based on the destination specified by said prior polling request (C4, L20-36, Fig.4, step No.108, teach determining whether to delete the sender).

Consider **claim 5**, Perreault teaches the method of claim 4 further comprising: (d) deleting the sender of said prior polling request from said polling schedule; and (e) adding the sender of said polling request to said polling schedule (C4, L20-36, Fig.4, step No.108, teach determining whether to delete/adding the sender);

Ito Koji teaches when: the destination specified by said polling request is associated with an emergency call center (Abstract, Page 1, Paragraphs [0006-0007], and the destination specified by said prior polling request is unassociated with any emergency call center (Page 4, Paragraphs [0040-0045], teach change over-control; circuit which can determining which call request is unassociated with any emergency call center).

Therefore, it would have been obvious at the time that the invention was made that person having ordinary skill in the art to modify Perreault and Ito Koji system, such that deleting/adding the sender of said prior polling request from said polling schedule and destination specified by said polling request is associated/unassociated with an emergency call center, to provide means for verify/select calls is emergency call.

Consider **claim 12**, Perreault teaches the method of claim 9 further comprising:  
(c) determining a position in said polling schedule for the sender of said polling request based on said destination (C3, L20-35, C4, L7-19).

**3. Claims 13 and 19** are rejected under 35 U.S.C. 103(a) as being unpatentable over Ghaibeh (Patent No. 5,956,338) in view of Yonge, III et al. (Patent No. 6,671,284).

Consider **claims 13 and 19**, Ghaibeh teaches a method comprising:  
receiving via a shared-communications channel (Abstract, C3, L44-55, C6, L52-67, C7, L1-18). Ghaibeh teaches the limitation of claim as discuss **but fail to teach** (i) a first

frame comprising a first source, a first destination, and a first payload, and (ii) a second frame comprising a second source, a second destination, and a second payload; and transmitting via said shared-communications channel (iii) a third frame comprising a poll and said first payload, and (iv) a fourth frame comprising a poll and said second payload in an order based on said first source and said second source when said first destination and said second destination are in a polling schedule.

In an analogous art, Yonge teaches "Frame control efficient media access". Further, Yonge teaches (i) a first frame comprising a first source, a first destination, and a first payload, and (ii) a second frame comprising a second source, a second destination, and a second payload; and transmitting via said shared-communications channel (iii) a third frame comprising a poll and said first payload, and (iv) a fourth frame comprising a poll and said second payload in an order based on said first source and said second source when said first destination and said second destination are in a polling schedule (Abstract, C2, L20-56, C9, L2564, C10, L21-45).

Therefore, it would have been obvious at the time that the invention was made that person having ordinary skill in the art to modify Ghaibeh and Yonge system, such that a first frame comprising a first source, a first destination, and a first payload, and (ii) a second frame comprising a second source, a second destination, and a second payload; and transmitting via said shared-communications channel (iii) a third frame comprising a poll and said first payload, and (iv) a fourth frame comprising a poll and said second payload in an order based on said first source and said second source

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when said first destination and said second destination are in a polling schedule, to provide means for controlling the access/synchronization and orderly.

Consider **claim 15**, Perreault teaches the method of claim 13 wherein said order is also based on the positions of said first destination and said second destination in said polling schedule (C3, L20-35, C4, L7-20).

Consider **claim 16**, Perreault teaches an apparatus comprising: a receiver for receiving a polling request via a shared communications channel, wherein said polling request specifies a destination for a subsequent transmission via said shared communications channel (C2, L39-67); and a processor for determining, based on said destination, at least one of: whether to add the sender of said polling request to a polling schedule, a position in said polling schedule for the sender of said polling request, and a transmission opportunity duration for the sender of said polling request (C3, L20-65, C4, L7-59, teach polling controller which read on processor).

Consider **claim 18**, Perreault teaches the apparatus of claim 16 wherein said processor's determining is also based on a destination specified by a prior polling request, wherein the sender of said prior polling request is in said polling schedule (C3, L20-45).

### ***Conclusion***



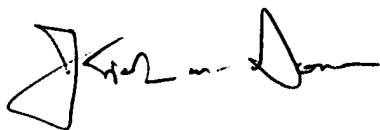
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kiet Doan whose telephone number is 571-272-7863.

The examiner can normally be reached on 8am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on 571-272-7872. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Kiet Doan  
Patent Examiner



WILLIAM TROST  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600